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| 09/920,073 | 08/01/2001 | Peter E. Virag | 1115-01 | 4416 |

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IP DEPARTMENT OF PIPER RUDNICK LLP
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EXAMINER

DODDS, HAROLD E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2177

DATE MAILED: 05/14/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,073

Applicant(s)

VIRAG ET AL.

Examiner

Harold E. Dodds, Jr.

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 4-7, 9, 10, 12, 24, 26-30, 32, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenig et al. (U.S. Patent No. 6,286,298) and Sellers et al. (U.S. Patent No. 5,311,438).

3. Wenig renders obvious independent claims 1 and 24 by the following:
“...receiving environmental audit information...” at col. 7, lines 65-67, col. 6, lines 24-28, and col. , lines 56-58.
“...accessing a predetermined set of environmental audit protocols...” at col. 3, lines 43-52, col. 1, lines 56-58, and col. 8, lines 25-32.

Art Unit: 2177

“...associating said audit information with at least one of said environmental audit protocols...” at col. 6, lines 24-28, col. 1, lines 56-58, and col. 8, lines 25-32.

Wenig does not teach the use of environmental audit records.

4. However Sellers teaches the use of environmental audit records as follows:

“...to form an environmental audit record...” at col. 153, lines 33-35 and col. 174, lines 23-36.

“...and storing said environmental audit record...” at col. 153, lines 33-35 and col. 174, lines 36-39.

It would have been obvious to one of ordinary skill at the time of the invention to combine Sellers with Wenig to provide an audit record in order maintain a list on the individual audit actions to determine the environmental state of a manufacturing process and to determine the changes of the environmental state over a period of time. Wenig and Sellers have similar applications and use many technologies in common. Wenig and Sellers teach the use of computers, the use of databases, the use of the audits, the use of environmental information, and the access to information. Wenig provides receiving environmental audit information and using protocols and Sellers provides the environmental audit record.

5. As per claim 26, the “...enabling said quality assurance reviewer...” is taught by Sellers at col. 16, lines 66-68 and col. 153, lines 36-37, the “...to designate the review status...” is taught by Sellers at col. 85, lines 53-54,

and the "...of said environmental audit record..." is taught by Sellers at col. 153, lines 33-37 and col. 174, lines 36-39.

For claim 26, Sellers teaches the review of status information. This teaching suggests the use of a review status.

6. As per claims 4 and 27, the "...providing notification of said environmental audit record..." is taught by Sellers at col. 27, lines 56-59, col. 153, lines 33-35, and col. 174, lines 36-39.

7. As per claims 5 and 28, the "...associating one or more said environmental audit records to form an audit log..." is taught by Sellers at col. 153, lines 33-35 and col. 174, lines 23-26.

8. As per claims 6 and 29, the "...a plurality of environmental audit records are stored for a plurality of different facilities..." is taught by Sellers at col. 153, lines 33-35, col. 174, lines 36-39, and col. 35, lines 31-35.

For claims 6 and 29, buildings are being used to represent facilities.

9. As per claims 7 and 30, the "...a plurality of environmental audit records are stored for a plurality of contacts..." is taught by Sellers at col. 153, lines 33-35, col. 174, lines 36-39, and col. 13, lines 32-35.

10. As per claims 9 and 32, the "...said environmental audit record..." is taught by Sellers at col. 153, lines 33-35,
the "...includes one or more types of information..." is taught by Sellers at col. 134, lines 24-25,

Art Unit: 2177

the "...selected from the group consisting of a facility...", is taught by Sellers at col. 97, lines 34-35 and col. 35, lines 31-35,

the "...a contact...", is taught by Sellers at col. 13, lines 32-35,

the "...an author...", is taught by Sellers at col. 27, lines 21-23,

the "...an audit team...", is taught by Sellers at col. 174, lines 36-39 and col. 16, lines 24-28,

the "...record dates...", is taught by Sellers at col. 174, lines 36-39 and col. 62, lines 8-11,

the "...who created the audit record...", is taught by Sellers at col. 27, lines 21-23 and col. 174, lines 36-39,

the "...who last edited the audit record...", is taught by Sellers at col. 70, lines 5-6 and col. 174, lines 36-39,

and the "...and comments...", is taught by Sellers at col. 70, lines 57-60.

For claims 9 and 32, an author is the person who created the audit record.

11. As per claims 10 and 33, the "...providing for the retrieval of said environmental audit records...", is taught by Sellers at col. 11, lines 43-45 and col. 153, lines 33-35,

the "...indexed by one or more selected from the group consisting of a facility...", is taught by Sellers at col. 11, lines 64-66, col. 97, lines 34-35, and col. 35, lines 31-35,

the "...a contact...", is taught by Sellers at col. 13, lines 32-35,

the "...an author...", is taught by Sellers at col. 27, lines 21-23,

Art Unit: 2177

the "...an audit team..." is taught by Sellers at col. 174, lines 36-39 and col. 16, lines 24-28,

the "...record dates..." is taught by Sellers at col. 174, lines 36-39 and col. 62, lines 8-11,

the "...who created the audit record..." is taught by Sellers at col. 27, lines 21-23 and col. 174, lines 36-39,

the "...who last edited the audit record..." is taught by Sellers at col. 70, lines 5-6 and col. 174, lines 36-39,

and the "...and comments..." is taught by Sellers at col. 70, lines 57-60.

For claims 10 and 33, an author is the person who created the audit record.

12. As per claims 12 and 35, the "...said set of environmental audit protocols..." is taught by Wenig at col. 8, lines 25-32 and col. 1, lines 56-58 and the "...comprise safety regulations maintained by OSHA..." is taught by Sellers at col. 8, lines 67-68, col. 9, lines 1-9, and col. 56, lines 50-52,

13. Claims 2, 3, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenig and Sellers as applied to the claims above, and further in view of Reuhl (U.S. Patent No. 5,873,069).

As per claims 2 and 25, the "...to said environmental audit record..." is taught by Sellers at col. 153, lines 33-35 and col. 174, lines 36-39, the "...so that a quality assurance reviewer can access said environmental audit record and can add comments..." is taught by Sellers at col. 173, lines 56-59, col. 153, lines 31-35, and col. 153, lines 42-47,

the "...to said environmental audit record..." is taught by Sellers at col. 153, lines 33-35 and col. 174, lines 36-39,

the "...said environmental audit record..." is taught by Sellers at col. 153, lines 33-35 and col. 174, lines 36-39,

but the "...restricting access..."

and the "...but cannot otherwise modify..." are not taught by either Wenig or Sellers.

However, Reuhl teaches the restricting of access to information as follows:

"...This unique data structure composed of relational tables allows the system to operate very efficiently while at the same time allowing for the implementation of security measures which restrict access of certain system users to particular data and tables..." at col. 8, lines 7-11.

"...The CPTPRC screen 412 is query only; no price or other changes can be made..." at col. 14, lines 22-24.

It would have been obvious to one of ordinary skill at the time of the invention to combine Reuhl with Wenig and Sellers to restrict access to an audit record in order maintain the integrity of the audit record. Wenig, Sellers, and Reuhl have similar applications and use many technologies in common. Wenig, Sellers, and Reuhl teach the use of computers, the use of databases, the use of environmental information, and the access to information and Wenig and Reuhl teach the use of networks. Wenig provides receiving environmental audit information and using protocols, Sellers provides the environmental audit record, and Reuhl provides limiting the access to the information.

14. As per claim 3, the "...enabling said quality assurance reviewer..." is taught by Sellers at col. 16, lines 66-68 and col. 153, lines 36-37,

the "...to designate the review status..." is taught by Sellers at col. 85, lines 53-54, and the "...of said environmental audit record..." is taught by Sellers at col. 153, lines 33-37 and col. 174, lines 36-39.

For claim 3, Sellers teaches the review of status information. This teaching suggests the use of a review status.

15. Claims 8, 11, 31, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenig and Sellers as applied to the claims above, and further in view of Barry et al. (U.S. Patent No. 6,615,258).

As per claims 8 and 31, the "...providing access to said environmental audit records..." is taught by Sellers at col. 153, lines 33-37 and col. 174, lines 23-36, but the "...via a hierarchical, expandable list..." is not taught by either Wenig or Sellers.

However, Barry teaches the use of a hierarchical, expandable list as follows:

"...The OE server 39 further maintains a database 160 for storing all the users registered with the system of the present invention, and their security information such as passwords and application entitlements and hierarchies describing the user's access privileges to specific application services/sub-services which may be requested by other application servers and clients in the network."

"...The menu options 1506 include: file menu options which includes a select enterprise option for allowing administrators to open a user list for a different enterprise, or add a new enterprise to their enterprise list, print option, and exit option which shuts down the OE application; edit menu option which includes add new application, modify, and delete options; options menu which enables a global security setup for various data management applications; view menu which includes options to refresh the screen by retrieving the latest user list for the opened enterprise from the OE server and displaying the list on the screen, to expand all nodes in the user list, and to collapse all nodes in the user list; and help menu option which

launches the help engine with OE help text..." at col. 16, lines 45-58.

It would have been obvious to one of ordinary skill at the time of the invention to combine Barry with Wenig and Sellers to provide an hierarchial, expandable list of users in order provide different users and different sets of users specified privileges to specific sets of environmental records and subsets of environmental records. Wenig, Sellers, and Barry have similar applications and use many technologies in common. Wenig, Sellers, and Barry teach the use of computers, the use of databases, the use of environmental information, the access to information, and the use of audit information and Wenig and Barry teach the use of networks, the use of protocols, the use of servers, and the use of clients. Wenig provides receiving environmental audit information and using protocols, Sellers provides the environmental audit record, and Barry provides hierarchical, expandable lists and interviews.

16. As per claims 11 and 34, the "...providing administrator access to said environmental audit records..." is taught by Sellers at col. 8, lines 63-64, col. 153, lines 33-37 and col. 174, lines 23-36, the "...to interview..." is taught by Barry at col. 40, lines 51-53, the "...review..." is taught by Sellers at col. 14, lines 56-57, the "...update..." is taught by Sellers at col. 18, lines 40-42, and the "...and modify said environmental audit record..." is taught by Sellers at col. 17, lines 57-58, col. 153, lines 33-37 and col. 174, lines 23-36.

17. Claims 13-18, 20, 21, 23, 36-41, 43, 44, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenig et al. (U.S. Patent No. 6,286,298), Sellers et al (U.S. Patent No. 5,311,438), and Reuhl (U.S. Patent No. 5,873,069).

18. Wenig renders obvious independent claims 13 and 36 by the following:
“...receiving environmental audit information...” at col. 7, lines 65-67, col. 6, lines 24-28, and col. , lines 56-58.
“...accessing a predetermined set of environmental audit protocols...” at col. 3, lines 43-52, col. 1, lines 56-58, and col. 8, lines 25-32.
“...associating said audit information with at least one of said environmental audit protocols...” at col. 6, lines 24-28, col. 1, lines 56-58, and col. 8, lines 25-32.

Wenig does not teach the use of environmental audit records and restricting access to information.

19. However Sellers teaches the use of environmental audit records as follows:

“...to form an environmental audit record...” at col. 153, lines 33-35 and col. 174, lines 23-36.
“...and storing said environmental audit record...” at col. 153, lines 33-35 and col. 174, lines 36-39.
“...to said environmental audit record...” at col. 153, lines 33-35 and col. 174, lines 36-39.

"...so that a quality assurance reviewer can access said environmental audit record and can add comments..." at col. 173, lines 56-59, col. 153, lines 31-35, and col. 153, lines 42-47.

"...to said environmental audit record..." at col. 153, lines 33-35 and col. 174, lines 36-39.

"...said environmental audit record..." at col. 153, lines 33-35 and col. 174, lines 36-39,

It would have been obvious to one of ordinary skill at the time of the invention to combine Sellers with Wenig to provide an audit record in order maintain a list on the individual audit actions to determine the environmental state of a manufacturing process and to determine the changes of the environmental state over a period of time. Wenig and Sellers have similar applications and use many technologies in common. Wenig and Sellers teach the use of computers, the use of databases, the use of the audits, the use of environmental information, and the access to information. Wenig provides receiving environmental audit information and using protocols and Sellers provides the environmental audit record.

Sellers does not teach the restricting access to information.

20. However, Reuhl teaches the restricting of access to information as follows:
"...restricting access..." at col. 8, lines 7-11.
"...but cannot otherwise modify..." at col. 14, lines 22-24.

It would have been obvious to one of ordinary skill at the time of the invention to combine Reuhl with Wenig and Sellers to restrict access to an audit record in order maintain the integrity of the audit record. Wenig, Sellers, and Reuhl have similar

Art Unit: 2177

applications and use many technologies in common. Wenig, Sellers, and Reuhl teach the use of computers, the use of databases, the use of environmental information, and the access to information and Wenig and Reuhl teach the use of networks. Wenig provides receiving environmental audit information and using protocols, Sellers provides the environmental audit record, and Reuhl provides limiting the access to the information.

21. As per claims 14 and 37, the "...enabling said quality assurance reviewer...", is taught by Sellers at col. 16, lines 66-68 and col. 153, lines 36-37, the "...to designate the review status...", is taught by Sellers at col. 85, lines 53-54, and the "...of said environmental audit record...", is taught by Sellers at col. 153, lines 33-37 and col. 174, lines 36-39.

For claims 14 and 37, Sellers teaches the review of status information. This teaching suggests the use of a review status.

22. As per claims 15 and 38, the "...providing notification of said environmental audit record...", is taught by Sellers at col. 27, lines 56-59, col. 153, lines 33-35, and col. 174, lines 36-39.

23. As per claims 16 and 39, the "...associating one or more said environmental audit records to form an audit log...", is taught by Sellers at col. 153, lines 33-35 and col. 174, lines 23-26.

24. As per claims 17 and 40, the "...a plurality of environmental audit records are stored for a plurality of different facilities...", is taught by Sellers at col. 153, lines 33-35, col. 174, lines 36-39, and col. 35, lines 31-35.

For claims 17 and 40, buildings are being used to represent facilities.

25. As per claims 18 and 41, the "...a plurality of environmental audit records are stored for a plurality of contacts..." is taught by Sellers at col. 153, lines 33-35, col. 174, lines 36-39, and col. 13, lines 32-35.

26. As per claims 20 and 43, the "...said environmental audit record..." is taught by Sellers at col. 153, lines 33-35,
the "...includes one or more types of information..." is taught by Sellers at col. 134, lines 24-25,
the "...selected from the group consisting of a facility..." is taught by Sellers at col. 97, lines 34-35 and col. 35, lines 31-35,
the "...a contact..." is taught by Sellers at col. 13, lines 32-35,
the "...an author..." is taught by Sellers at col. 27, lines 21-23,
the "...an audit team..." is taught by Sellers at col. 174, lines 36-39 and col. 16, lines 24-28,
the "...record dates..." is taught by Sellers at col. 174, lines 36-39 and col. 62, lines 8-11,
the "...who created the audit record..." is taught by Sellers at col. 27, lines 21-23 and col. 174, lines 36-39,
the "...who last edited the audit record..." is taught by Sellers at col. 70, lines 5-6 and col. 174, lines 36-39,
and the "...and comments..." is taught by Sellers at col. 70, lines 57-60.

For claims 20 and 43, an author is the person who created the audit record.

27. As per claims 21 and 44, the "...providing for the retrieval of said environmental audit records..." is taught by Sellers at col. 11, lines 43-45 and col. 153, lines 33-35,
the "...indexed by one or more selected from the group consisting of a facility..." is taught by Sellers at col. 11, lines 64-66, col. 97, lines 34-35, and col. 35, lines 31-35,
the "...a contact..." is taught by Sellers at col. 13, lines 32-35,
the "...an author..." is taught by Sellers at col. 27, lines 21-23,
the "...an audit team..." is taught by Sellers at col. 174, lines 36-39 and col. 16, lines 24-28,
the "...record dates..." is taught by Sellers at col. 174, lines 36-39 and col. 62, lines 8-11,
the "...who created the audit record..." is taught by Sellers at col. 27, lines 21-23 and col. 174, lines 36-39,
the "...who last edited the audit record..." is taught by Sellers at col. 70, lines 5-6 and col. 174, lines 36-39,
and the "...and comments..." is taught by Sellers at col. 70, lines 57-60.

For claims 21 and 44, an author is the person who created the audit record.

28. As per claims 23 and 46, the "...said set of environmental audit protocols..." is taught by Wenig at col. 8, lines 25-32 and col. 1, lines 56-58 and
the "...comprise safety regulations maintained by OSHA..." is taught by Sellers at col. 8, lines 67-68, col. 9, lines 1-9, and col. 56, lines 50-52,

Art Unit: 2177

29. Claims 19, 22, 42, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenig, Sellers, and Reuhl as applied to the claims above, and further in view of Barry et al. (U.S. Patent No. 6,615,258).

As per claims 19 and 42, the "...providing access to said environmental audit records..." is taught by Sellers at col. 153, lines 33-37 and col. 174, lines 23-36, but the "...via a hierarchical, expandable list..." is not taught by either Wenig, Sellers, or Reuhl.

However, Barry teaches the use of a hierarchical, expandable list as follows:

"...The OE server 39 further maintains a database 160 for storing all the users registered with the system of the present invention, and their security information such as passwords and application entitlements and hierarchies describing the user's access privileges to specific application services/sub-services which may be requested by other application servers and clients in the network."

"...The menu options 1506 include: file menu options which includes a select enterprise option for allowing administrators to open a user list for a different enterprise, or add a new enterprise to their enterprise list, print option, and exit option which shuts down the OE application; edit menu option which includes add new application, modify, and delete options; options menu which enables a global security setup for various data management applications; view menu which includes options to refresh the screen by retrieving the latest user list for the opened enterprise from the OE server and displaying the list on the screen, to expand all nodes in the user list, and to collapse all nodes in the user list; and help menu option which launches the help engine with OE help text..." at col. 16, lines 45-58.

It would have been obvious to one of ordinary skill at the time of the invention to combine Barry with Wenig, Sellers, and Reuhl to provide an hierarchial, expandable list of users in order provide different users and different sets of users specified privileges

to specific sets of environmental records and subsets of environmental records. Wenig, Sellers, Reuhl, and Barry have similar applications and use many technologies in common. Wenig, Sellers, Reuhl, and Barry teach the use of computers, the use of databases, the use of environmental information, and the access to information, Wenig, Sellers, and Barry teach the use of audit information, and Wenig, Reuhl, and Barry teach the use of networks. Wenig provides receiving environmental audit information and using protocols, Sellers provides the environmental audit record, and Barry provides hierarchical, expandable lists and interviews.

30. As per claims 22 and 45, the "...providing administrator access to said environmental audit records..." is taught by Sellers at col. 8, lines 63-64, col. 153, lines 33-37 and col. 174, lines 23-36, the "...to interview..." is taught by Barry at col. 40, lines 51-53, the "...review..." is taught by Sellers at col. 14, lines 56-57, the "...update..." is taught by Sellers at col. 18, lines 40-42, and the "...and modify said environmental audit record..." is taught by Sellers at col. 17, lines 57-58, col. 153, lines 33-37 and col. 174, lines 23-36.

Conclusion

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is (703)-305-1802. The examiner can normally be reached on Monday - Friday 8:00 - 4:30.

Art Unit: 2177

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703)-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harold E. Dodds, Jr.

Harold E. Dodds, Jr.
Patent Examiner
May 12, 2004


GRETA ROBINSON
PRIMARY EXAMINER